In the Supreme Court of the United States

OCTOBER TERM, 1973

No. 72-1556

WILLIAM ECHOLS, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

Following a jury-waived trial in the United States District Court for the Eastern District of Missouri, petitioner was convicted of (1) illegally delivering a firearm for shipment in interstate commerce, in violation of 18 U.S.C. 922(e); (2) knowingly possessing narcotics with intent to distribute them, in violation of 21 U.S.C. 841(a)(1); and (3) unlawfully possessing marihuana, in violation of 21 U.S.C. 844(a). He was tentatively committed to the custody of the Attorney General for imprisonment for the maximum period authorized by law pending determination of final sentence after a ninety-day study and report to the court, pursuant to 18 U.S.C. 4208(b) and (c). The court of appeals affirmed (Pet. App. A).

Petitioner contends that the warrantless search by an airline employee of petitioner's luggage, revealing a

loaded revolver and narcotics, was in violation of the Fourth Amendment. He also argues that there was insufficient evidence that he intended to distribute the $200,000 worth of narcotics. These claims were fully considered and properly rejected in the opinion below, upon which we rely.

It is therefore respectfully submitted that the petition for a writ of certiorari should be denied.

ROBERT H. BORK,
Solicitor General.

JULY 1973.